

## CHAPTER 654

### Offenses Against Public Peace and Safety

EDITOR'S NOTE: This chapter was previously titled APeace Disturbances. It was changed as part of the 1986 updating of these Codified Ordinances to reflect the addition of new Sections 654.03 through 654.13, from Ordinance 85-03, passed January 22, 1985.

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#### CROSS REFERENCES

Disorderly conduct - see Code of Va. ' 18.2-415

Unnecessary noise in the operation of motor vehicles - see TRAF. 466.02

Noise from dog kennels - see B.R. & T. 808.08

Outdoor music festivals - see B.R. & T. Ch. 824

Public gatherings in park and recreation areas - see S.U. & P.S. 1092.13

Noise control in park and recreation areas - see S.U. & P.S. 1092.14

#### 654.01 LOITERING.

(a) Definitions. As used in this section:

- (1) ALoiter@ means to stand around or remain, or to park or remain parked in a motor vehicle, at a public place or place open to the public, and engage in any conduct prohibited under this section. ALoiter@ also means to collect, gather, congregate or be a member of a group or a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this section.

(2) APublic place@ means any public street, road, highway, alley, lane, sidewalk, crosswalk or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot, or any vacant lot.

(3) APlace open to the public@ means any place open to the public or any place to which the public is invited, and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship, cemeteries or any place of amusement and entertainment, whether or not a charge of admission for entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building.

(b) It shall be unlawful for any person to loiter at, on or in a public place or place open to the public in such a manner:

(1) As to interfere with, impede or hinder the free passage of pedestrian or vehicular traffic;

(2) As to harass, curse or threaten or do physical harm to another member or members of the public;

(3) As to threaten or do physical harm to the property of another member or members of the public; or

(4) That, by words, acts or other conduct, it is clear that there is a present danger of a breach of the peace or disorderly conduct.

(c) It shall be unlawful for any person or persons to loiter as defined herein and to fail to move on or disperse at the direction of a duly authorized law enforcement officer.

(d) It shall be unlawful for any person at a public place or place open to the public to fail to identify himself or herself at the request of a duly authorized enforcement officer when circumstances indicate that public safety requires such identification.

(e) Nothing in this section shall be construed to prohibited lawful assembly and lawful picketing. (Ord. 90-12. Passed 10-2-90.)

**654.02 UNREASONABLE NOISE.**

(a) Purpose. The making, creation or maintenance of excessive, unnecessary or unusually loud noises which are prolonged, unreasonable or unusual in their time, place and use, affect and are a detriment to the public health, comfort, safety and welfare of the County and its inhabitants. It is therefore hereby declared that the provisions of this section are enacted in pursuance of and for the purpose of securing and promoting the public health, comfort, safety and welfare of the County and of its inhabitants.

(b) Prohibition. No person shall make, continue, or cause or permit to be made or continued, any excessive, unnecessary or unusually loud or otherwise unreasonable noise, which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons in the County.

Acts in violation of this section include, but are not limited to, the following:

- (1) Operating or using any musical instrument, radio, television, phonograph, tape player, loudspeaker, amplifier or other similar machine or device, between 11:00 p.m. and 7:00 a.m. of the following day, in such a manner as to be audible at any point beyond the property line of the premises from which such noise is emanating or, if the noise is emanating from a vehicle, at a distance of fifty feet from such vehicle;
- (2) Operating, using or permitting the operation or use of a steam engine or combustion engine, including, but not limited to, motor vehicles, motor boats and tractors, between 11:00 p.m. and 6:00 a.m. of the following day, in such a manner as to disturb the peace, quiet, repose or comfort of neighboring inhabitants; and
- (3) Operating, using or permitting the operation or use of any other machinery, equipment, pump, fan or similar mechanical device, not covered by paragraph (b)(2) hereof, whether for industrial, business or household purposes, between 11:00 p.m. and 7:00 a.m. of the following day, in such a manner as to disturb the peace, quiet, repose or comfort of neighboring inhabitants.

(c) Exceptions. This section does not apply to noise emanating from an agricultural operation, as defined in the Right to Farm Act, Chapter 4.5 of Title 3.1 of the Code of Virginia, as amended, or to an emergency vehicle which causes noise in the performance of emergency work.

(d) Abatement of Nuisance. In addition to the penalty provided in Section 654.99, the playing, use, operation or maintenance of any device, instrument, vehicle, machinery or equipment in violation of any of the provisions of this section, thereby resulting in the production of noise which causes discomfort or substantial annoyance to persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the vicinity of the source of such noise, shall be deemed and is hereby declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. 82-01. Passed 1-19-82.)

**654.03 INTOXICATION IN PUBLIC.**

Any person who is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, shall be guilty of a Class 4 misdemeanor.

At such time as the County opens a court-approved detoxification center, a law-enforcement officer may authorize the transportation, by law enforcement or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such a center.

(Ord. 85-03. Passed 1-22-85; Ord. 08-14. Passed 11-10-08.)

**654.04 VOYEURISM.**

No person shall enter upon the property of another in the nighttime and secretly or furtively peep into or through, or attempt to peep into or through, or spy through, or attempt to spy through, a window, door or other aperture of any building, structure or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary. (Ord. 85-03. Passed 1-22-85.)

**654.05 OBSTRUCTING PASSAGE OF OTHERS.**

(a) No person shall, in any public place or on any private property open to the public, unreasonably or unnecessarily obstruct the free passage of other persons to and from or within such public place or private property. No person shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee, by the agent or employee of such owner or lessee or by a duly authorized law enforcement officer.

(b) Nothing in this section shall be construed to prohibit lawful picketing. (Ord. 85-03. Passed 1-22-85.)

**654.06 RIOTS; UNLAWFUL ASSEMBLAGES.**

(a) As used in this section:

- (1) ARiot@ means any unlawful use, by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or public order.
- (2) AUnlawful assembly@ means an assembly of three or more persons sharing the common intent to advance some lawful or unlawful purpose by the commission of an act of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and which assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order.

(b) No person shall participate in any riot.

(c) No person shall participate in any unlawful assembly,

(d) No person, except public officers and persons assisting them, shall remain present at the place of any riot or unlawful assembly after having been lawfully warned to disperse. (Ord. 85-03. Passed 1-22-85.)

**654.07 RESISTING OR OBSTRUCTING EXECUTION OF LEGAL PROCESS.**

No person shall act jointly or in combination with any other person to resist or obstruct the execution of any legal process. (Ord. 85-03. Passed 1-22-85.)

**654.08 DISPERSAL OF UNLAWFUL OR RIOTOUS ASSEMBLIES; IMMUNITY.**

When any number of persons, whether armed or not, are unlawfully or riotously assembled, the Sheriff and his or her deputies, the police officials of any town and any assigned militia, or any one or more of the foregoing, shall go among the persons assembled or as near to them as safety permits and command them in the name of the State to immediately disperse. If, upon such command, the persons unlawfully assembled do not disperse immediately, such Sheriff, officer or militia may use such force as is reasonably necessary to disperse them and to arrest those who fail or refuse to disperse. To accomplish this end, the Sheriff or other law enforcement officer may request and use the assistance and services of private citizens. Every endeavor shall be used, both by such Sheriff or other officers and by the officer commanding any other force, which can be made consistent with the preservation of life, to induce or force those unlawfully assembled to disperse before an attack is made upon those unlawfully assembled by which their lives may be endangered. No liability, criminal or civil, shall be imposed upon any person authorized to disperse or assist in dispersing a riot or unlawful assembly for any action of such person which was taken after those rioting or unlawfully assembled had been commanded to disperse, which action was reasonably necessary, under all circumstances, to disperse such riot or unlawful assembly or to arrest those who failed or refused to disperse.

(Ord. 85-03. Passed 1-22-85.)

**654.09 RESISTING OR HINDERING DEPUTY SHERIFFS.**

No person shall resist, hinder or obstruct any Deputy Sheriff in making an arrest, in serving a warrant, order, notice or process or in the performance or discharge of any of his or her duties. (Ord. 85-03. Passed 1-22-85.)

**654.10 REFUSAL TO ASSIST DEPUTY SHERIFFS.**

No person, on being required by any Deputy Sheriff, shall refuse or neglect to assist him or her as follows:

- (a) In the execution of his or her office in a criminal case;
- (b) In the preservation of the peace;
- (c) In apprehending or securing any person for a breach of the peace; or
- (d) In any case of escape or rescue. (Ord. 85-03. Passed 1-22-85.)

**654.11 FALSE REPORTS OF CRIMES.**

No person shall knowingly give a false report as to the commission of any crime to any law enforcement official with the intent to mislead such official.  
(Ord. 85-03. Passed 1-22-85.)

**654.12 FALSE ALARMS TO AMBULANCES OR FIRE-FIGHTING APPARATUS.**

No person shall, without just cause therefor, call or summon, by telephone or otherwise, any ambulance or fire-fighting apparatus,  
(Ord. 85-03. Passed 1-22-85.)

**654.13 ILLEGAL USE OF BADGES, UNIFORMS AND LAW ENFORCEMENT AGENCY MARKINGS ON MOTOR VEHICLES.**

No person, other than a member of a law enforcement agency or a person authorized by the agency, shall use those badges and uniforms prescribed for the use of the agency or use or cause to be used on the public roads or highways of the County any motor vehicle bearing markings with the word ASheriff@ or APolice@ shown thereon. (Ord. 85-03. Passed 1-22-85.)

**654.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

- (a) Whoever violates any of the provisions of Section 654.02 is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) Whoever violates Section 654.03 is guilty of a Class 4 misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00).
- (c) Whoever violates Section 654.06(d) is guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).
- (d) Whoever violates Section 654.10 shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than six months, or both.  
(Ord. 95-06. Passed 8-2-95; Ord. 08-14. Passed 11-10-08.)